

REMARKS

Applicant has amended claims 7, 11 and 14, and cancelled claim 10. Claims 7, 9, 11-14 are pending in this application.

In the amendment, Applicant has incorporated claim 10 into claim 7. Claim 7 as amended now recites that the movement of the optics is in opposite direction to the microscope optics to maintain the position of the particle.

In the Office Action, the Examiner objected to claim 7 because “the position” lacks an antecedent basis. The phrase “the position” has been amended to read “a position”.

The Examiner rejected claim 11 under 35 U.S.C. Section 112, second paragraph, as being indefinite because the phrase “the displacement” lacks an antecedent basis and that it is unclear what is being displaced. Applicant has amended claim 11 to make it clear that it is the microscope objective that is being displaced.

More substantively, the Examiner rejected claims 7 and 9-14 under 35 U.S.C. Section 103(a) as being obvious over Faellman in view of either Watanabe or Kino. The Examiner also rejected claims 7 and 9-14 under 35 U.S.C. Section 103(a) as being obvious over Schutze in view of either Watanabe or Kino. Applicant respectfully traverses the rejections.

Claim 7 as amended recites “wherein the change is controllable and causes a movement of the optical tweezers and/or of the treatment beam **in the direction opposite to the movement of the microscope objective**” (emphasis added). The movement of the optics is in opposite direction to the microscope optics in order to maintain the position of the particle under study.

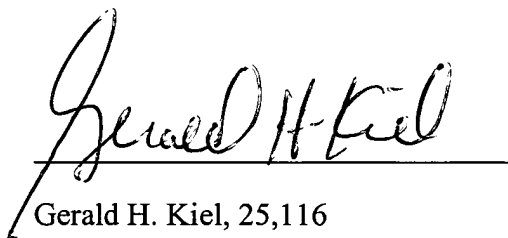
By contrast, in Faellman or Schutze, the movement of optics is described only for steering the particle itself, without any reference to the microscope objective of a laser scanning microscope which allows depth scanning. The movement of the particle in Faellmann has no preferred direction like the present invention of claim 7.

Independent claim 14 has been amended along the lines of claim 7. Applicant submits that claim 14 is also patentable for the similar reasons as discussed above with respect to claim 7.

Dependent claims 9, 11, 12 and 13 are patentable by virtue of their dependency of independent claim 7. In particular, claim 11 recites an additional novel feature wherein "the means for changing the position controls a displacement of the microscope objective by previously stored or calculated values depending on the focal position". None of the cited references either individually or in combination teach or suggest such a novel feature.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,

A handwritten signature in black ink, reading "Gerald H. Kiel", is written over a horizontal line.

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